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## United Arab Emirates

**Post:** Dubai

### UAE Issues a Decree Governing the Importation of Milk Products

**Report Categories:**

FAIRS Subject Report

Dairy and Products

Sanitary/Phytosanitary/Food Safety

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**Report Highlights:**

The UAE's Ministry of Environment and Water has issued a decree outlining requirements for the importation of "milk and its derivatives." The decree contains a number of provisions that could prove challenging for exporters and certifiers. ATO Dubai has provided a copy of the decree to the U.S. Dairy Export Council for review and comment.

**General Information:**

**Disclaimer:** This summary is based on a  *cursory* review of the subject announcement and therefore should not, under any circumstances, be viewed as a definitive reading of the regulation in question, or of its implications for U.S. agricultural export trade interests. In the event of a discrepancy or discrepancies between this summary and the complete regulation or announcement as published in Arabic, the latter shall prevail.

**ATO Dubai Summary:** The UAE Ministry of Environment and Water has issued a decree outlining new conditions for the importation of “milk and its derivatives.” The decree contains a number of requirements that will likely pose challenges for U.S. exporters and certifiers of dairy products. Some of the most obvious challenges relate to disease status and certification for dairy cattle, mandatory HACCP programs for exporting countries and double pasteurization. The decree, which was signed on May 25, 2009, must be published in the Federal Gazette before it takes effect. The latest version of the Gazette is currently being printed. ATO Dubai encourages exporters of dairy products to the UAE to contact their respective trade associations or ATO Dubai with their concerns about this decree. Exporters should work closely with their UAE based customers as they prepare shipments. An unofficial translation of the complete text of the decree is included in this report.

**ATO Dubai Analysis:** On May 25, 2009, the UAE Ministry of Environment and Water issued decree No. 219 “Regarding the Conditions of Importing Milk and its Derivatives.” The decree did not go through a period of public comment, nor was it notified to the World Trade Organization. The UAE’s General Secretariat of Municipalities, the federal level organization charged with coordinating the food regulatory actions of the UAE’s seven emirates or municipalities, has traditionally regulated the importation of processed meats. The emergence of the Ministry of Environment and Water in this capacity is a new development. Previously, the Ministry’s focus was on regulating the importation of live animals and plants. The decree presents a number of requirements that may present challenges for U.S. exporters and certifiers of dairy products. The following is a list of potential concerns based on ATO Dubai’s review of the decree and industry feedback. Experts in certification will likely find other potential issues.

- Stringent disease status requirements for exporting countries.
- Required HACCP program for processors in export countries.
- A double pasteurization requirement.

The decree will become effective after publication in the federal gazette. The most recent version of the bi-monthly gazette is being printed in Abu Dhabi and it is not yet clear if this decree is included. To date, no exporters or importers have contacted ATO Dubai with concerns about certification requirements or detained shipments. It is not clear if existing certification requirements will continue to suffice for U.S. exporters.

**Comment:** ATO Dubai requests that Washington-based regulators review and analyze the decree. ATO Dubai encourages exporters to contact ATO Dubai and their respective trade associations to raise their concerns.

**For More Information:**

Should you require more information on the above, Please don’t hesitate to contact us on the following:

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**Via the Internet:**

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**Begin Text of Decree:**

United Arab Emirates  
Ministry of Environment & Water  
Office of the Minister

**Ministerial Decree No. (219) for 2009**  
**Regarding Conditions of Importing Milk and Its Derivatives**

Minister of Environment and Water:

Having reviewed the following:

- Federal Law number (1) for 1972 with regards to the specialization of the ministries and the authorities of the ministers and its amendments;
- The Decree of Federal Law number (1) for 2006 pertaining to adjusting the federal jurisdictions of Federal Law number (1) for 1972 regarding the specialization of the ministries and the authorities of the ministers;
- Federal Decree number (6) for 1979 regarding the veterinary quarantine and its amendments;
- Council of Ministers Decree number (5) for 2006 regarding authorizing us some ministerial tasks.
- The Ministerial Decree number (460) for 2001 regarding the Executive Law for the Veterinary Quarantine of the countries of the GCC;
- and based on the conditions recorded in the bulletin of the World Organization of Animal Health (OIE) issued in 2008, the conditions stipulated by the Codex Alimentarius of the Food and Agriculture Organization of the United Nations and the World Trade Organization;
- and based on the preoccupation of the Ministry to execute its strategic goals regarding its contribution to achieving the nation's food security;
- and based on the requirements of national interest;

the following has been decreed:

#### First Clause

Incoming shipments of milk and its derivatives must conform to the veterinary quarantine and food safety rules and regulations followed in the country as well as the rules of this decree.

#### Second Clause

Exporting countries are classified according to their epidemiological situation based on the information provided by the World Organization for Animal Health (OIE) to the following:

1. Countries or areas of first tier (countries or areas free of disease):

These are the countries or areas which are free of epidemiological diseases and which fulfill the requirements stipulated in the bulletin of the OIE.

2. Countries of second tier (countries or areas free of disease):

These are countries in which an infection of any epidemiological or contagious disease has appeared. They are also countries which do not fulfill any of the requirements stipulated in the bulletin of the OIE.

#### Third Clause

General Conditions and Required Documents to Import Milk and its Derivatives:

- A pre-authorized import permit must be obtained from the Ministry clarifying the port of entry and country of origin.
- The exporting country should have a compulsory warning program and epidemiological tracing of the epidemiological and contagious diseases and testing of suspected animals for any symptoms of diseases in

- accordance with the conditions recorded in the bulletin of the OIE.
- Animals must not be nurtured on feeds which contain any animal protein source.
- The shipment should be accompanied by the following documents:
  - a. Certificate of origin
  - b. A valid veterinary health certificate originating from a government (official) department and authenticated by the exporting country with the following information:
    - i. Names of the exporter, the importer and the veterinary health authorities issuing the certificate.
    - ii. The milk producing animals must come from areas that are free of the epidemiological diseases including venereal diseases and must not have been given hormones to induce production and must not be genetically modified.
    - iii. The milk producing animals must have been tested negative in a government accredited laboratory for the following diseases:
      - Tuberculosis
      - Johne's Disease
      - Brucellosis
    - iv. The name and characterization of the milk and its derivatives, kind of milk producing animal, trade mark, number of seal on the container, kind of packaging, packages, number of units or packages, production date, expiry period, product storage temperature, kind and mode of transportation, loading station.
  - c. An accredited certificate from the relevant food control authority at the exporting country certifying that the milk and its derivatives has been manufactured and packaged in a licensed institution which is under official health control and which apply the risk analysis system using the critical control points (HACCP) in all its production stages.
  - d. Documents have to be submitted showing that the exporting country has a national follow-up program to control the milk and its derivatives; that these do not contain harmful radiation activity; that the proportion of residues of polluting chemicals such as dioxin, insecticides and others do not exceed the acceptable limits; and that harmful coloring or preservative agents have not been added in accordance with Codex standards.

#### Fourth Clause

##### Additional Conditions Pertaining to Countries or Areas of the Second Tier:

Milk or its derivatives must be treated thermally and be made fit for human consumption according to the thermal, physical, and other treatments stipulated in the bulletin of the OIE, Codex Alimentarius, and relevant international organizations. The kind of treatment used must be mentioned in the health certificate. The thermal treatments must be as follows:

##### 1. Concerning milk prepared for human consumption or used in industry:

One of the following methods must be used:

- a. Milk is to be exposed to Ultra High Heat of (132) degrees centigrade for not less than one second.
- b. Milk is to be pasteurized at a degree of (72) centigrade for (15) seconds.
- c. Milk is to be tested twice to check for Phosphate. It should test negative when the pH for milk is (7) and above.
- d. Milk with a pH below (7) should undergo pasteurization at a medium temperature of (72) centigrade for at least (15) seconds.
- e. Milk with a pH which is equal or more than (7) should undergo double pasteurization process at a medium degree of (72) centigrade for not less than (15) seconds.

As for all kinds of cheese, the source of milk used in producing it must have been exposed to any of the thermal methods mentioned in the bulletin of the OIE, Codex Alimentarius, and the Food and Agriculture Organization of the United Nations and the World Trade Organization.

##### 2. Milk Prepared for Animal Nourishment:

The milk must be treated with one of the following methods:

- a. Double pasteurization at a medium temperature of (72) degrees centigrade for at least (15) seconds.
- b. A short pasteurization process accompanied by another physical treatment such as keeping its pH less than (6) for an hour or heating to at least (72) degrees centigrade then drying.

#### Fifth Clause

In case of non-compliance to or violation of any of these conditions, the shipment will be rejected and returned back at the expense of the importer or will be confiscated and destroyed in accordance with the quarantine procedures followed in the country

#### Sixth Clause

The relevant department at the Ministry must issue a list with a classification of the countries and it must be updated according to the stipulations of the Second Clause and must coordinate with the authorities in that are in relations with the country to execute this decree

#### Seventh Clause

The relevant departments in the country must execute this decree each in its area of authority and it must be applied since the date of its issuance and published in the official Gazette.

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